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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

PHAM, THIERRY L

ART UNIT

PAPER NUMBER

2624

DATE MAILED: 08/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/848,297	Applicant(s) SOMMER ET AL.	
	Examiner Thierry L. Pham	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- This action is responsive to the following communication: an Amendment filed on 6/28/05.
- Claims 1-12 are pending in application.

Claim Objections

Claims 1, 8, and 12 are objected to because of the following informalities: “a print engine having a plurality of trays” should read as “a printer having a plurality of trays”. Print engine, which is also an equivalent to a print-head, cannot have a plurality of trays. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 8-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Hube et al (U.S. 5229814).

Regarding claim 1, Hube discloses a digital image production apparatus (digital image forming system, fig. 1) comprising:

- a print engine (printer 8, fig. 2) having a plurality of trays (plurality of media trays 110, 112, 114, fig. 1 and fig. 2, col. 4, lines 40-50) each of which is capable of accommodating different types of recording sheets (i.e. transparency, standard paper, and etc., fig. 5);
- a user interface (user interface 52, fig. 1 & 2); and
- an electronic control system (controller 7, fig. 2) for controlling print processing, including control of supply of recording sheets from the trays (controlling print medias, fig. 5) in accordance with sheet specifications of print jobs (print job with output media parameters/attributes, fig. 5-6), wherein the control system has access to a memory (main

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memory 56, fig. 2, col. 6, lines 23-60) which stores for each tray the type of recording sheets presently accommodated therein, and;

- wherein, when recording sheets of a type required for a job are not available (requested print medias are not available, fig. 7b-7e, cols. 7-8) in any of the trays, the control system: indicates, through the user interface (UI, fig. 5-6), the required type (“called for stock column” represents requested media for print job, fig. 6a) of recording sheet;
- selects an eligible tray (select different/substitute media types if requested medias are not available, fig. 6-7) that can accommodate the required recording sheets;
- invites, through the user interface, an operator to place recording sheets of the required type in the eligible tray (prompts users to load media into trays, fig. 7b); and
- automatically, in response to receiving a confirmation signal which confirms that the operator has completed the requested action (printing will be resumed and/or started when media is loaded/detected, fig. 7b, col. 9, lines 20-65), presumes that the installed recording sheets are of the required type (requested media is loaded by operators, fig. 7b, cols. 9-10) and stores information specifying the required type of recording sheet in a location of the memory (memory 56, fig. 2) associated with said eligible tray.

Regarding claim 2, Hube further discloses the apparatus according to claim 1, wherein, if at least one tray contains sheets of a type that is not needed (other trays contain different media types, fig. 5-7) for the current job nor any other job scheduled for processing so as to represent at least one non-targeted tray, the control system selects one of the at least one non-targeted trays (select different/substitute media type if requested media is not available, fig. 5-7) as the eligible tray.

Regarding claim 3, Hube further discloses the apparatus according to claim 1, wherein the confirmation signal is a signal indicating that a start button (start button, fig. 5) of the apparatus has been actuated.

Regarding claim 4, Hube further discloses the apparatus according to claim 1, wherein the required type of recording sheet and the eligible tray are presented to the user in the form of a dialog on a display screen (dialog on display screen, fig. 5-6) of the user interface.

Regarding claim 5, Hube further discloses the apparatus according to claim 1, further including means for replicating the user interface on a display screen of a workstation (controller 7, col. 3, lines 28-42) connected to the printer through a network (remote network, col. 3, lines 28-42).

Regarding claim 6, the apparatus according to claim 5, wherein, when the workstation is online (connecting via a modem, col. 3, lines 28-67), the message indicating (UI, fig. 5-7) a request for loading recording sheets for a specific print job is forcibly offered to the user on the workstation, irrespective of whether or not a print monitor function is activated in the workstation (figs. 5-7).

Regarding claims 8-11 recite limitations that are similar and in the same scope of invention as to those in claims 1-4 above; therefore, claims 8-11 are rejected for the same rejection rationale/basis as described in claims 1-4.

Regarding claim 12 recite limitations that are similar and in the same scope of invention as to those in claim 1 above; therefore, claim 12 is rejected for the same rejection rationale/basis as described in claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hube et al as described in claims 1-6 above, and in view of Moro et al (U.S. 6327051).

Regarding claim 7, Hube discloses an image forming apparatus connected via network, but fails to explicitly teach an image forming apparatus is connected to at least “two” user terminals, and transmitting message regarding paper media to at least two terminals at different timings.

Moro, in the same field of endeavor for printing, teaches image forming apparatus is connected to at least “two” user terminals (fig. 10, col. 9, lines 60-67), and transmitting message regarding paper media (error messages, fig. 28 & 41) to at least two terminals (plurality of host computers, col. 9, lines 60-67) at different timings (errors messages can be sent virtual anytime depending on timings of occurrence).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Hube as per teachings of Moro because of a following reason: (●) allowing multiple users to access a single image forming apparatus; thereby, reducing hardware costs; (●) by notifying printer’s errors to multiple users, the printer’s errors can be fix/response by different users and/or reducing downtime.

Therefore, it would have been obvious to combine Hube with Moro to obtain the invention as specified in claim 7.

Response to Arguments

Applicant's arguments filed on 6/28/05 have been fully considered but they are not persuasive.

- Regarding claims 1, 8, and 12 contain informalities wherein the examiner believes that “a print engine having a plurality of trays” should read as “a printer having a plurality of trays”. The applicants argued that he or she could be his or her own lexicographer. The print engine 18 is depicted in fig. 2 and is adequately and sufficiently described at page 6, lines 25-30.

In response, the examiner disagrees with applicants’ arguments/reasoning. According to original filed specification, page 6, lines 25-30, there is nothing indicate that “print engine having a plurality of trays”. In addition, print engine 18 as shown in fig. 2 is incorporated inside a printer

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PR and it does not show any indication that “print engine 18 having a plurality of trays”. Rather, printer PR is having plurality of trays 12 (fig. 1).

- Regarding claim 1, the applicants argued the cited prior art of record (US 5229814 to Hube et al) fails to teach and/or suggest “automatically, in response to receiving a confirmation signal which confirms that the operator has completed the requested action, presumes that the installed recording sheets are of the required type and stores information specifying the required type of recording sheet in a location of the memory associated with said eligible tray”.

In response, Hube teaches automatically, in response to receiving a confirmation signal which confirms that the operator has completed the requested action (printing will be resumed and/or started when media is loaded/detected, fig. 7b, col. 9, lines 20-65), presumes that the installed recording sheets are of the required type (requested media is loaded by operators, fig. 7b, cols. 9-10) and stores information specifying the required type of recording sheet in a location of the memory (memory 56, fig. 2) associated with said eligible tray. Figs. 7A-7E show a method for substituting a different print media if selected print media is not available. The method also includes requesting an operator to load requested media (S324, S326, and S328 of fig. 7b) if the selected tray containing the requested media is becoming empty (figs. 7a-7b). After the requested media is loaded, the process goes back to step 306-1 (fig. 7a), wherein it determines whether the corrected request print media is loaded and to start the printing process. Hube et al teaches all the limitations/features as cited in claim 1.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- U.S. 5061958 to Bunket et al, teaches an user interface for choosing available paper feed options for substitution paper media.
- US 6459580 to Suzuki, teaches a recording apparatus for informing an operator of an inconsistency between the kind of sheet designated by the operator on which recording is desired

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to occur and the kind of sheet actually set in the recording apparatus and a memory for storing data representing the kind of sheet in the apparatus.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

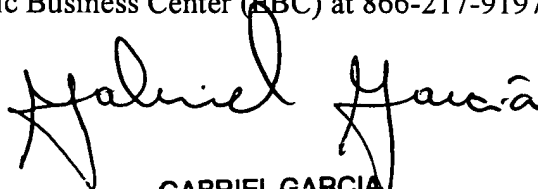
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thierry L. Pham whose telephone number is (571) 272-7439. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thierry L. Pham



GABRIEL GARCIA
PRIMARY EXAMINER